

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17226 of 2017

and

Crl.M.P.Nos.10557 and 10558 of 2017

1.Pandiyarajan
2.Velammal

...Petitioners

Vs.

J.Sridevi

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to D.V.C.No.16 of 2016, pending on the file of the XVII Metropolitan Magistrate Court at Saidapet, Chennai and quash the same as illegal, incompetent and without jurisdiction by allowing the present Criminal Original Petition.

For Petitioners : Mr. M.Guruprasad

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in DVC No.16 of 2016 initiated by the respondent under the Domestic Violence Act.

2. These petitioners are father-in-law and mother-in-law, of the respondent.

3. It is seen from the records that the petitioners were living separately and the respondent was living with her husband and therefore, no domestic violence can be attributed as against the petitioners. The respondent has not made any specific allegations against the petitioners except for certain general allegations. Even in the absence of a domestic relationship with the respondent, the petitioners have been roped in a domestic violence petition.

4. Heard the learned counsel for the petitioners and there was no appearance for the respondent.

5. In the facts and circumstances, this Court is of the considered view that the proceedings as against the petitioners is an abuse of process of court and the same requires interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In the result, the proceedings in D.V.C.No.16 of 2016, pending on the file of the XVII Metropolitan Magistrate Court at Saidapet, Chennai, is quashed insofar as the present petitioners are concerned. It is left open to the respondent to proceed further to prosecute the domestic violence petition as against the husband.

7. This Criminal Original Petition is allowed and there shall be a direction to the XVII Metropolitan Magistrate Court at Saidapet, Chennai, to dispose of the proceedings in DVC No.16 of 2016 as against the husband within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

The XVII Metropolitan Magistrate Court at Saidapet,
Chennai.

+1cc to Mr.R.Jayaprakash Advocate, S.R.No.71871

SS(CO)

CB(25/09/2019)

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and

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